

NINTH DAY
(Continued)
(Thursday, July 16, 1987)

AFTER RECESS

The Senate met at 10:30 a.m. and was called to order by Senator Blake.

SENATOR ANNOUNCED PRESENT

Senator Parker who had been previously announced as "Absent-excused" was announced "Present".

**EDUCATION COMMITTEE
GRANTED PERMISSION TO MEET**

On motion of Senator Brooks and by unanimous consent, the Education Committee was granted permission to meet while the Senate was in session.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by Senate Rule 14.1(f), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

H.B. 44 (McFarland) Relating to the abolition of the Texas Commission on Economy and Efficiency in State Government. (29-1) Washington "Nay" (30-0)

H.B. 81 (Henderson) Relating to the organization of and the administration of the insurance laws by the State Board of Insurance and the Commissioner of Insurance. (29-1) Washington "Nay" (30-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment No. 1

1. Amend **H.B. 81** by adding a new SECTION 14 and renumbering subsequent sections appropriately:

SECTION 14. The authority granted by Subsection (1), Section 12, Article 21.28-D, Insurance Code, to the board of directors of the association to expend funds from the administrative account in certain instances for administrative expenses incurred by a supervisor or conservator appointed by the commissioner or a receiver appointed by a court of competent jurisdiction for a nonmember of the association or unauthorized insurer operating in this state applies to all nonmembers of the association and unauthorized insurers which are in supervision, conservatorship, or receivership on or after September 1, 1987.

2. Amend **H.B. 81** by amending SECTION 14 as it appeared in the House Engrossed version by deleting subsection (a) and substituting the following:

"(a) Sections 12 and 14 of this Act take effect September 1, 1987."

The committee amendment was read and was adopted viva voce vote.

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **H.B. 81** as follows:

On page 15, line 27, delete subsection (h) and substitute the following:

(h) Any specific facts and information relating to particular policies or claims shall be privileged and confidential while in the possession of an insurance company, organization, association or other entity holding a certificate of authority from the State Board of Insurance and shall not be disclosed by such company, organization, association or entity to any other person, except as specifically provided in this code or other applicable law.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.C.R. 11 (Blake) Extending the period of authorization to fly the official POW/MIA flag on the Capitol grounds until May 31, 1989. (vv)

H.C.R. 17 (Caperton) Directing the Senate Jurisprudence Committee and the House Committee on the Judiciary to study jointly a uniform law relating to direct payment of pension benefits to certain nonemployee spouses. (vv)

H.C.R. 19 (McFarland) Creating the Select Committee on State Government Management Effectiveness. (vv)

C.S.H.C.R. 27 (Farabee) Creating the Joint Select Committee on Workers' Compensation Insurance. (vv)

H.C.R. 48 (Farabee) Recognizing October 4-10, 1987, as "National Mental Illness Awareness Week." (vv)

H.C.R. 49 (Washington) Commending the National Urban League and designating July 19, 1987, as "National Urban League Day in Texas." (vv)

H.C.R. 61 (Blake) Designating September 11, 1987, as "9-1-1 Emergency Number Day in Texas." (vv)

S.C.R. 10 (Washington) Creating a special joint committee to study prison industries. (vv)

S.C.R. 25 (Brooks) Establishing the Special Task Force on Rural Health Care Delivery in Texas. (vv)

S.R. 64 (Johnson) Designating the Museum of African-American Life and Culture as the State's official repository for Black Texana. (vv)

S.R. 70 (Edwards) Designating Eaman Tang as Minister Plenipotentiary for Trade and Commerce with Taiwan. (vv)

S.B. 22 (Henderson) Relating to the duty of certain cities to pick up employees' contributions to the municipal pension system. (29-1) Washington "Nay" (30-0)

S.B. 34 (Harris) Relating to the payment of wages by employers doing business in this State. (29-1) Washington "Nay" (30-0)

S.B. 45 (Armbrister) Relating to the definition of commercial motor vehicle. (29-1) Washington "Nay" (30-0)

**RESOLUTION REMOVED FROM LOCAL AND UNCONTESTED
BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
C.S.H.C.R. 20	Tejeda, Blake

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED
BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

RECESS

Senator Blake announced at 10:34 a.m. that the Senate would stand recessed until 11:00 a.m. today in accordance with a motion previously adopted by the Senate.

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by the President.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.B. 67
S.B. 71
S.B. 73
S.B. 72
S.B. 78
C.S.S.B. 46
C.S.S.B. 10

By unanimous consent, Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 85
H.B. 120
S.B. 75
H.B. 92

By unanimous consent, Senator Caperton submitted the following report for the Committee on Jurisprudence:

S.C.R. 1
S.C.R. 11
H.C.R. 18 (Amended)
S.B. 70
S.B. 74
S.B. 53
S.B. 55
C.S.S.C.R. 7

By unanimous consent, Senator Jones submitted the following report for the Committee on Finance:

S.B. 84
S.J.R. 8
C.S.S.B. 33
(Senator Green in Chair)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 27 by Whitmire Jurisprudence
Granting Texas Dynamics Incorporated permission to sue the State of Texas and the Attorney General, the Parks and Wildlife Department, the Parks and Wildlife Commission and the Battleship Texas Advisory Board.

S.C.R. 28 by Barrientos Jurisprudence
Granting Irene E. Little permission to sue the State of Texas and the Department of Mental Health and Mental Retardation.

S.C.R. 29 by McFarland Jurisprudence
Granting JCPenney Life Insurance permission to sue the State of Texas, the State Board of Insurance and the State Treasurer.

S.C.R. 30 by Barrientos Jurisprudence
Granting Stokes Construction Company and John Stokes permission to sue the State of Texas and the Parks and Wildlife Department.

S.C.R. 31 by Barrientos Jurisprudence
Granting Phyllis Dutoit permission to sue the State of Texas and the Texas Department of Human Services.

S.C.R. 32 by Barrientos Jurisprudence
Granting Troyt B. York permission to sue the State of Texas and The University of Texas System.

S.C.R. 33 by McFarland Jurisprudence
Granting JCPenney Casualty Insurance Company permission to sue the State of Texas, the State Board of Insurance and the State Treasurer.

S.C.R. 34 by McFarland Jurisprudence
Granting Robert Koester permission to sue the State of Texas and Texas Tech University.

S.C.R. 35 by Truan Jurisprudence
Granting the John G. and Marie Stella Kenedy Memorial Foundation permission to sue the State of Texas and the General Land Office.

S.B. 88 by Jones Economic Development
Relating to the regulation of third party administrators; making appropriations.

S.B. 89 by Krier Education
Relating to the office of inspector general for education.

S.B. 90 by Parmer Finance
Relating to creation of a program to assist in the rebuilding of the community of Saragosa as an energy efficient community through the distribution of money received as a result of petroleum overcharge litigation; making appropriations.

S.B. 91 by Brooks, Farabee State Affairs
Relating to the definition of blood banks for purposes of testing, confidentiality of records, "Operation Look-Back" procedures, and liability.

S.B. 92 by Jones Finance
Relating to the career ladder and salary schedule for public school teachers and the local share of the foundation school program.

S.B. 93 by Brooks Intergovernmental Relations
Relating to the removal of vehicles that are stopped in violation of state law.

MESSAGE FROM THE HOUSE

House Chamber
July 16, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 69, Declaring September 1988 as National Guard Month in Texas.

H.C.R. 50, Honoring Eva Jo Lewis Kasinger.

S.C.R. 17, In memory of Philip W. Gauss, Jr.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
July 16, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
SECOND CALLED SESSION:

On July 6, 1987, I nominated Mr. Robert Jenkins of San Antonio for appointment to the Structural Pest Control Board for a term to expire August 30, 1988. Recently, Mr. Jenkins has been elected President-elect of the National Pest Control Association and therefore is not eligible to serve on the Structural Pest Control Board. Because of this situation, I request that the Senate return this nomination to me.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

NOMINATION RETURNED

On motion of Senator Edwards and by unanimous consent, the Senate granted the request of the Governor and returned the nomination of Robert Jenkins, to be a Member of the Structural Pest Control Board, to the Governor.

SENATE BILL 62 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 62, Relating to the reporting of waste volumes and the study, selection, acquisition, and operation of disposal sites by the Texas Low-Level Radioactive Waste Disposal Authority.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 62** by inserting the following as Section 3 and renumbering the subsequent sections accordingly:

SECTION 3. Section 3.05(d), Texas Low-Level Radioactive Waste Disposal Authority Act (Article 4590f-1), Vernon's Texas Civil Statutes, is amended to read as follows:

(d) No low-level waste may be disposed of in a landfill below the natural level of the disposal site unless:

(1) state or federal regulatory programs for low level waste preclude or recommend against above ground disposal; or

(2) the authority has by rule determined that below ground disposal provides greater protection than above ground disposal for the environment and public health for the period of time for which the low level waste will continue to pose a hazard to the environment and public health; and,

(3) the waste is contained within a reinforced concrete barrier or within containment structures constructed of materials technologically equivalent or superior to reinforced concrete; and,

(4) the waste is contained in such a manner that it is capable of being monitored and retrieved.

(e) The authority is prohibited from using shallow land burial or improved shallow land burial as the disposal technique at the licensed disposal site. For purposes of this subsection, shallow land burial and improved shallow land burial means disposal of the waste in an earthen trench as the waste is received from the generator.

The amendment was read and was adopted viva voce vote.

(President in Chair)

Senator Santiesteban offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 62** as follows:

(1) on page 1, line 64 insert "(e) No low-level waste may be disposed of within 25 miles of a county with a population of 450,000 or more according to the most recent federal census.", and renumber the subsequent sections accordingly.

The amendment was read.

(Senator Brooks in Chair)

On motion of Senator Zaffirini, Floor Amendment No. 2 was tabled by the following vote: Yeas 20, Nays 8.

Yeas: Anderson, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Jones, Krier, Leedom, Parmer, Sarpalius, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Glasgow, Green, Henderson, McFarland, Montford, Santiesteban, Sims.

Absent: Johnson, Parker.

Absent-excused: Lyon.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 62 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 62 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, McFarland, Montford, Parker, Parmer, Sarpalius, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Santiesteban, Sims, Washington.

Absent-excused: Lyon.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, McFarland, Montford, Parker, Parmer, Sarpalius, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Santiesteban, Sims.

Absent-excused: Lyon.

GUEST PRESENTED

Senator Armbrister was recognized and introduced Dr. Roy Pendergraft of Sugar Land.

Dr. Pendergraft, again serving the Senate as Capitol Physician for the Day, was welcomed and received the appreciation of the Senate for his service.

EDUCATION COMMITTEE GRANTED PERMISSION TO MEET

Senator Parker moved that the Education Committee be granted permission to meet while the Senate is in session.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Anderson, Armbrister, Barrientos, Blake, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Johnson, Jones, Krier, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Uribe, Zaffirini.

Nays: Brooks, Brown, Henderson, Leedom, Washington.

Absent: Sims, Whitmire.

Absent-excused: Lyon.

SENATE CONCURRENT RESOLUTION 23

Senator Krier offered the following resolution:

S.C.R. 23, Commending the James Madison High School Chapter of Vocational Industrial Clubs of America.

The resolution was read.

On motion of Senator Krier and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

GUESTS PRESENTED

Senator Krier introduced the members of the VICA team and their sponsor, Ron Stinson, seated in the gallery.

The Senate welcomed these guests and extended congratulations to them on their achievement.

SENATE RULE 103 SUSPENDED

On motion of Senator Caperton and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Jurisprudence might consider the following bill and resolutions at 9:30 a.m. tomorrow:

S.B. 76	S.C.R. 30
S.C.R. 22	S.C.R. 31
S.C.R. 27	S.C.R. 33
S.C.R. 28	S.C.R. 34
S.C.R. 29	S.C.R. 35

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **S.B. 91** at 1:30 p.m. today.

MESSAGE FROM THE HOUSE

House Chamber
July 16, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House suspended all necessary rules, refused to concur in Senate amendments to **H.B. 61** and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Morales, Chairman; Schlueter, Earley, Wilson and A. Luna.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CONFERENCE COMMITTEE ON HOUSE BILL 61

Senator Glasgow called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 61** and moved that the request be granted.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on **H.B. 61** before appointment.

On motion of Senator Truan, the Senate conferees were instructed not to accept the House language which would reduce sales tax revenue from mass transit authorities.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Glasgow, Chairman; Anderson, Krier, McFarland and Parmer.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider the following bills at 1:30 p.m. today:

S.B. 80
S.B. 92

SENATE RULE 103 SUSPENDED

On motion of Senator McFarland and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Criminal Justice might consider the following bills upon noon recess today:

S.B. 48
S.B. 83

SENATE RULE 103 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider the following bills upon noon recess today:

H.B. 32
H.B. 121

GUEST PRESENTED

Senator Whitmire was recognized and introduced the Honorable Michael Andrews, Member of the United States Congress, representing the 25th Congressional District.

The Senate welcomed this distinguished visitor.

MESSAGE FROM THE HOUSE

House Chamber
July 16, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 18, Relating to the creation, administration, powers, duties, operation, and financing of the Fairfield Hospital District.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE JOINT RESOLUTION 8 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 8, Proposing a constitutional amendment relating to the dedication of certain funds for highway purposes.

The resolution was read second time.

Senator Montford offered the following amendment to the resolution:

Amend **S.J.R. 8** by striking all below the enacting clause and substituting in lieu thereof the following:

proposing a constitutional amendment relating to the dedication of certain funds for highway purposes.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article VIII of the Texas Constitution is amended by adding Section 7-b to read as follows:

Sec. 7-b. All revenues received from the federal government as reimbursement for state expenditures of funds that are dedicated for acquiring rights-of-way and constructing, maintaining, and policing public roadways are also dedicated and shall be used only for those purposes.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1988. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment dedicating federal highway reimbursements for the purposes of acquiring rights-of-way and constructing, maintaining, and policing public roadways."

The amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 8 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 8** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Lyon.

The resolution was read and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lyon.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Parker submitted the following report for the Committee on Education:

S.B. 86 (Amended)

SENATE RULE 103 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **S.B. 63** at 1:30 p.m. today.

RECESS

On motion of Senator Farmer, the Senate at 12:11 p.m. took recess until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:00 p.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Lyon who had previously been recorded as "Absent-excused" was announced "Present."

MESSAGE FROM THE HOUSE

House Chamber
July 16, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 5, Proposing a constitutional amendment relating to the establishment of the Texas growth fund and the investment of certain state funds in business in the state to promote and encourage economic development of the state.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

H.B. 19
H.B. 63
H.B. 64
H.C.R. 65

CO-AUTHOR OF SENATE BILL 66

On motion of Senator Parmer and by unanimous consent, Senator Barrientos will be shown as Co-author of **S.B. 66**.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.B. 121
H.B. 32

By unanimous consent, Senator McFarland submitted the following report for the Committee on Criminal Justice:

S.B. 48
C.S.S.B. 83

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 67

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 94 by Brown Intergovernmental Relations
Relating to amending the Tax Increment Financing Act to provide for the provision of financial information regarding the acquisition of land by a city or town in a reinvestment zone.

S.B. 95 by Farabee Intergovernmental Relations
Relating to the creation, administration, powers, duties, operation, and financing of the Bowie Hospital District; granting the power of eminent domain; providing for the issuance of bonds and the levy of taxes.

S.B. 96 by McFarland Criminal Justice
Providing procedures for certain cities and counties to provide and finance correctional facilities.

S.B. 97 by Farabee Jurisprudence
Relating to the disqualification of certain judges to serve as assigned judges.

S.B. 98 by Glasgow Finance
Relating to the effective date of certain Acts of the 70th Legislature, 2nd Called Session, 1987.

S.B. 99 by Henderson Criminal Justice
Relating to the making of payments to a crime stoppers program as a condition of probation.

S.C.R. 36 by McFarland Jurisprudence
Granting Utley-James of Texas, Inc., permission to sue the State of Texas and Stephen F. Austin State University.

S.C.R. 37 by Brooks Administration
Directing the Senate Committee on Health and Human Services, the House Committee on Human Services, and the House Committee on Public Health to monitor development of the joint long-range plan for services to persons with developmental disabilities.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Member, Board of Directors, Sulphur River Basin Authority: JIM GARZA, Titus County.

Member, Board of Directors, Brazos River Authority: WILLIAM D. FITCH, Brazos County.

Member, Board of Directors, Texas Housing Agency: GEORGE R. FARISH, Harris County.

Members, Board of Trustees, Texas Municipal Retirement System: CARL L. WHITE, Bexar County; LELAND D. NELSON, Dallas County.

Member, Texas Board of Private Investigators and Private Security Agencies: JOEL KENNETH GLENN, Tarrant County.

Member, Texas Judicial Council: FRANK B. DAVIS, Harris County.

Member, Board of Regents, North Texas State University: MRS. BILLIE LUCILLE PARKER, Tarrant County.

Member, Board of Regents, Texas Woman's University: GLEN E. (GENE) SPARKS, Dallas County.

Member, Board of Regents, Texas State Technical Institute: JERE J. RUFF, Gregg County.

Member, Texas State Board of Examiners of Professional Counselors: MRS. YVONNE KOHUTEK, Bexar County.

Member, Board of Trustees, Texas County and District Retirement System: MRS. KATHY HYNSON, Fort Bend County.

Member, Board of Directors, Upper Colorado River Authority: CARL S. STRAIN, Tom Green County.

Members, Board of Directors, Bandera County River Authority: CRAIG A. TIPS, Bandera County; JOE K. LEIGHTON, Bandera County; JOSE MANUEL CANTU, Bandera County; PAUL GARRISON, JR., Bandera County.

Member, Commission on Uniform State Laws: JUDGE DAVID PEEPLES, Bexar County.

Branch Pilots for the Brazos River Harbor Navigation District of Brazoria County: CAPTAIN MAX W. BLANTON, Brazoria County; CAPTAIN JOHN G. GUNNING, Brazoria County.

Member, Board of Directors, Runnels County Water Authority: KENNETH HORTON SLIMP, Runnels County.

Members, Produce Recovery Fund Board: MRS. MARIAN SUE HAWKINS, Castro County; HUMBERTO M. GARCIA, Starr County; MARTIN HYMAN RUTCHIK, Dallas County; DOUGLAS CLEO BROWN, McLennan County.

Judge, 213th Judicial District, Tarrant County: GEORGE STEPHEN KREDELL, Tarrant County.

COMMITTEE SUBSTITUTE HOUSE BILL 62 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 62, Relating to motor fuel and gas production taxes.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **C.S.H.B. 62** on page 1 by striking lines 7 through 9 and substituting the following:

~~[Class Y: Motor vehicles designed for carrying fewer than 10 passengers and used for the transportation of persons for compensation 408]~~

The amendment was read and was adopted viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 62
ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 62** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**MOTION TO PLACE
SENATE BILL 86 ON SECOND READING**

Senator Parker moved to suspend all necessary rules to take up for consideration at this time:

S.B. 86, Relating to the appointment of the members of the State Board of Education.

POINT OF ORDER

Senator Brooks raised a Point of Order against consideration of the bill, stating that the bill had not been printed, violating Senate Rule 74.

The President overruled the Point of Order, stating that Senator Parker's motion had been to suspend all necessary rules.

On motion of Senator Parker and by unanimous consent, the motion to suspend all necessary rules was withdrawn.

MESSAGE FROM THE HOUSE

House Chamber
July 16, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 80, Relating to the authority of a municipality to contract for jail facilities and the operation of those facilities.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LEAVE OF ABSENCE

Senator Sims was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

HOUSE BILL 28 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 28, Relating to uniform election dates and runoff elections.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend **H.B. 28** as follows:

(1) on page 1, line 18 add a new Subsection (b)(3) to read as follows:

"(3) an election for the issuance or assumption of bonds, if the governing body of the political subdivision issuing or assuming bonds, by resolution stating the reasons therefor, finds that any date other than a Uniform Election Date is in the public interest."

(2) Renumber subsequent provisions appropriately.

The committee amendment was read.

Senator McFarland offered the following amendment to the committee amendment:

Amend the committee amendment to **H.B. 28** by striking the text of the amendment and substituting the following:

(1) In Section 1 of the bill, strike Section 41.001(b), Election Code, and substitute the following:

(b) Subsection (a) does not apply to:

(1) a runoff election;

(2) a local option election held under the Alcoholic Beverage Code;

(3) an election for the issuance or assumption of bonds if the governing body of the political subdivision issuing or assuming the bonds, by resolution, order, or ordinance, finds that holding the election on a date other than a uniform election date is in the public interest, which finding is conclusive and incontestible;

(4) ~~[an election for the levy of a tax for the maintenance of a public school or college;~~

~~[(5)]~~ an election to resolve a tie vote;

(5) ~~[(6)]~~ an election held under an order of a court or other tribunal;

(6) ~~[(7)]~~ a recall election;

(7) ~~[(8)]~~ a special election to elect the first set of officers of a political subdivision following its organization or reorganization if the election is not held simultaneously with an election on the question of the organization or reorganization;

(8) ~~[(9)]~~ an emergency election to fill a vacancy in office ordered under Section 201.053;

(9) ~~[(10)]~~ an expedited election to fill a vacancy in the legislature held under Section 203.013;

(10) ~~[(11)]~~ a confirmation election, director election, or maintenance tax election held in conjunction with the creation of a political

subdivision under Article XVI, Section 59, of the Texas Constitution that will furnish water or sewer services to household users;

(11) [(+2)] an election held by a political subdivision using the convention method of election; or

(12) [(+3)] an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election.

(2) In Section 2 of the bill, in the first sentence of Section 2.025(b), Election Code, strike "last Saturday in May" and substitute "next to the last or last Saturday in May".

(3) In Section 4(a) of the bill, third sentence, strike "second Saturday in January" and substitute "third Saturday in January".

(4) Insert a new Section 5 of the bill, and renumber the subsequent sections accordingly, to read as follows:

SECTION 5. An election for the issuance or assumption of bonds or an election for the levy of a tax for the maintenance of a public school or college that is ordered before the effective date of this Act is subject to Section 41.001(b), Election Code, as it existed immediately before the effective date of this Act, and the prior law is continued in effect for that purpose.

The amendment was read and was adopted viva voce vote.

Question recurring on the adoption of the committee amendment as amended, the committee amendment was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

(Senator Armbrister in Chair)

HOUSE BILL 28 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

MESSAGE FROM THE HOUSE

House Chamber
July 16, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 17, Relating to the application of the Texas Sunset Act to public systems of higher education.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 86 ON SECOND READING

Senator Parker asked unanimous consent to suspend all necessary rules, including the printing rule, to take up for consideration at this time:

S.B. 86, Relating to the appointment of the members of the State Board of Education.

There was objection.

Senator Parker then moved to suspend all necessary rules, including the printing rule, and take up **S.B. 86** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Anderson, Armbrister, Barrientos, Blake, Caperton, Farabee, Green, Henderson, Johnson, Jones, Krier, McFarland, Montford, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brooks, Brown, Edwards, Glasgow, Leedom, Lyon, Sarpalius, Washington.

Absent: Harris.

Absent-excused: Sims.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend **S.B. 86** as follows:

1. In Section 2, page 11, strike the word "six" on line 21 and substitute the word "four"
2. In Section 9, page 18, line 6, striking the word "five" and inserting the word "seven"
3. In Section 9, page 18, line 7, striking the word "five" and inserting the word "eight"
4. In Section 9, page 18, line 7, inserting a period after 1993 and striking "and five to serve for terms expiring February 1, 1995."

The committee amendment was read and was adopted by the following vote: Yeas 25, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Johnson, Jones, Krier, Lyon, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Brown, Henderson, Leedom, McFarland.

Absent: Harris.

Absent-excused: Sims.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 86 by adding a new Section 10 to read as follows, and renumbering the present Section 10 as Section 11.

"Section 10. This bill shall become effective only after a referendum proposition is submitted to Texas voters and a majority of the qualified voters voting on the issue have voted affirmatively. This proposition shall be submitted to the voters in an election to be held on November 3, 1987.

The ballot shall be printed to provide for voting for or against the proposition: "The State Board of Education shall continue to be composed of 15 members appointed from districts."

The amendment was read.

Senator Anderson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to S.B. 86 by adding a new Section 10 to read as follows, and renumbering the present Section 10 as Section 11.

"Section 10. This bill shall become effective only after a referendum proposition is submitted to Texas voters and a majority of the qualified voters voting on the issue have voted affirmatively. This proposition shall be submitted to the voters in an election to be held on November 3, 1987.

The ballot shall be printed to provide for voting for or against the proposition: "The State Board of Education shall continue to be composed of members appointed from fifteen districts with equal representation from throughout the State of Texas."

The amendment was read and was adopted viva voce vote.

Senator Parker moved to table Floor Amendment No. 1 as amended.

The motion was lost by the following vote: Yeas 13, Nays 17.

Yeas: Armbrister, Barrientos, Blake, Caperton, Farabee, Harris, Jones, Montford, Parker, Parmer, Santiesteban, Truan, Uribe.

Nays: Anderson, Brooks, Brown, Edwards, Glasgow, Green, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Sarpalius, Tejada, Washington, Whitmire, Zaffirini.

Absent-excused: Sims.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment was adopted by the following vote: Yeas 21, Nays 9.

Yeas: Anderson, Brooks, Brown, Edwards, Glasgow, Green, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Sarpalius, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Barrientos, Blake, Caperton, Farabee, Harris, Jones, Parker, Santiesteban.

Absent-excused: Sims.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Brown, Henderson and Sarpalius asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

(President in Chair)

SENATE BILL 86 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 86 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Edwards, Lyon, Sarpalius, Washington.

Absent-excused: Sims.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Brown, Henderson, Edwards, Sarpalius, Lyon, Glasgow and Anderson asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
July 16, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 40, Relating to the fee that the county treasurer or an officer acting in place of the county treasurer may charge for a returned check.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.B. 17, To Committee on State Affairs.

H.B. 40, To Committee on Intergovernmental Relations.

H.B. 80, To Committee on Criminal Justice.

H.J.R. 5, To Committee on State Affairs.

**MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 33
ON SECOND READING**

Senator Jones moved to suspend the regular order of business and the printing rule to take up for consideration at this time:

C.S.S.B. 33, Relating to distribution of money received as a result of petroleum overcharge litigation; making appropriations.

The motion was lost by the following vote: Yeas 19, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Santiesteban, Sarpalius, Truan, Uribe.

Nays: Anderson, Barrientos, Edwards, Green, Johnson, Parker, Parmer, Tejeda, Washington, Whitmire, Zaffirini.

Absent-excused: Sims.

SENATE BILL 87 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 87, Relating to reports to the Texas State Board of Medical Examiners and declaring an emergency.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Amend **S.B. 87** on page 1, line 17 by adding at the beginning of the line before the word "providing" the following language:

"or other entity"

and on page 2, line 3, by striking the words

"or is insured by an entity not subject to this Act"

and adding in its place:

"or other entity providing medical liability insurance which is not reporting under this Act."

EDWARDS
BROOKS

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 87 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 87** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 84 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 84, Relating to the payment of hazardous duty pay to certain state employees.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 84 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 84** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 55 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 55, Relating to the adoption of the Revised Uniform Reciprocal Enforcement of Support Act; providing criminal and civil enforcement.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 55 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 55** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 85 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 85, Relating to the jurisdiction of the County Court at Law of Wise County.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 85 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 85** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

**COMMITTEE SUBSTITUTE SENATE BILL 28
ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 28, Relating to enforcement and collection of state taxes.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 28
ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 28** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

**COMMITTEE SUBSTITUTE SENATE BILL 79
ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 79, Relating to the accountability review and tax rate of certain metropolitan rapid transit authorities.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 79
ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 79 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

**COMMITTEE SUBSTITUTE SENATE BILL 50
ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 50, Relating to certain local government leases regarding airport matters.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 50
ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 50 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

**COMMITTEE SUBSTITUTE SENATE BILL 46
ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 46, Relating to the creation, administration, powers, duties, operation, and financing of the Piney Creek Municipal Utility District.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 46
ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.B. 46 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 71 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 71, Relating to the creation, administration, powers, duties, operation, and financing of the Bastrop County Municipal Utility District No. 2.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 71 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 72 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 72, Relating to the creation, administration, powers, duties, operation, and financing of the Bastrop County Municipal Utility District No. 1.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 72 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 73 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 73, Relating to the powers, functions, and duties of the Bastrop County Water Control and Improvement District No. 2.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 73 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 73** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 78 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 78, Relating to the creation, administration, powers, duties, operation, and financing of the South Central Calhoun County Municipal Utility District No. 1.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **S.B. 78** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. CREATION; LEGISLATIVE DECLARATION. (a) Pursuant to Article XVI, Section 59, of the Texas Constitution a conservation and reclamation district is created in Calhoun County, subject to approval at a confirmation election under Section 8 of this Act, to be known as "South Central Calhoun County Municipal Utility District No. 1," which shall be a governmental agency and a body politic and corporate.

(b) The creation of the district is declared to be essential to the accomplishment of the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the South Central Calhoun County Municipal Utility District No. 1.

SECTION 3. BOUNDARIES. The district shall include all of the territory contained within the following described area:

BEGINNING at the most northern corner of Alamo Beach Townsite, same being the intersection of the northwest line of Alamo Beach Townsite with the western shoreline of Lavaca Bay;

THENCE, in a southerly direction with the west line of Alamo Beach Townsite to its intersection with the south line of Goliad Avenue;

THENCE, in an easterly direction with the south line of Goliad Avenue to its intersection with the western line of Farm-To-Market Highway No. 2760;

THENCE, with the western line of Farm-To-Market Highway No. 2760, to the intersection of its western line with the western line of State Highway No. 316;

THENCE, in a southerly direction with the western line of State Highway No. 316, to its intersection with the northern boundary line of Bayside Beach Highlands Subdivision;

THENCE, in a westerly direction with the northern boundary line of Bayside Beach Highlands Subdivision to the most western corner of Block 588 of Bayside Beach Highlands Subdivision, same being the most western corner of Bayside Beach Highlands Subdivision;

THENCE, in a southerly direction with the western line of Bayside Beach Highlands Subdivision to its intersection with the southern line of Euclid Avenue;

THENCE, in an easterly direction with the southern line of Euclid Avenue to its intersection with the western line of Lakeside Drive;

THENCE, in a southeasterly direction with the western line of Lakeside Drive to its intersection with the northern line of Baylor Street;

THENCE, in a westerly direction with the northern line of Baylor Street to its intersection with the western line of Bayside Beach Subdivision;

THENCE, in a southerly direction with the western line of Bayside Beach Subdivision, passing the western corner of Block No. 67, then continuing in a southerly direction with the western line of Bayside Beach Subdivision to a south corner of Block No. 73, then continuing in a southerly direction with the projection of the western line of Bayside Beach Subdivision to its intersection with the mean high water line on N.G.S. elevation on the northern shoreline of Powderhorn Lake;

THENCE, continuing with the same elevation and with the meanders of the northern shore line of Powderhorn Lake to its intersection with the western line of Matagorda Bay;

THENCE, in a northerly direction with the shoreline of Matagorda Bay to Indian Point;

THENCE, continuing with the same westerly shoreline now called Lavaca Bay and passing the mouth of Stevens Bayou and passing Gallinipper Point to the point of beginning.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in the field notes or in copying the field notes in the legislative process, or if the field notes are vague in their description of the district's boundaries, it shall in no way affect the organization, existence, and validity of the district, or the right of the district to levy and collect taxes, or in any other manner affect the legality or operation of the district or its governing body. The boundaries of the district may be extended from time to time by the annexation of real property to the district, upon petition to the district by the owner thereof and approval of such petition, and amendment of the field note description recited in Section 3 above, by resolution of the district's board of directors.

SECTION 5. FINDING OF BENEFIT. The legislature finds that all of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under

powers conferred by Article XVI, Section 59, of the Texas Constitution, and that the district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, and functions conferred by the general laws of this state applicable to municipal utility districts created under Article XVI, Section 59, of the Texas Constitution, including those conferred by Chapters 50 and 54, Water Code as well as the authority to solicit, accept, and use grants, gifts, and donations and to create and enter into joint ventures with any other political subdivision of the State or private persons or entities for the purpose of carrying out the function and privileges of the district including Subsection (c) of this section. If any provision of general law is in conflict or inconsistent with this Act, this Act prevails.

(b) The rights, powers, privileges, authority, and functions granted to the district are subject to the continuing right of supervision of the State of Texas to be exercised by and through the Texas Water Commission.

(c) Notwithstanding any acreage requirements in Subchapter J, Chapter 54, Water Code, the district has the powers and authority provided by that subchapter. To accomplish the purposes of that Subchapter J, the district may, in behalf of a defined area or designated property, purchase existing or contract to purchase future improvements, facilities or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole. The bidding process as provided by the Water Code is required. In addition to or in lieu of the bonds and taxes provided in Subchapter J, the district may levy any lawful fees, taxes or charges to pay for such improvements, facilities or services. Where applicable, all the processes, procedures, elections, and requirements of Subchapter J are required prior to a levy of any such fee, tax or charge, and only the property and users in the defined area or designated property may be liable for such fees, taxes or charges.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) Except for the initial directors, each permanent director shall be elected and shall serve for the terms of office as provided for directors under Chapter 54, Water Code, until his successor is elected and has qualified.

(c) Each permanent director shall qualify to serve as director in the manner provided by Chapter 54, Water Code.

(d) At the time this Act takes effect, the following persons shall constitute the initial board of directors of the district:

- (1) Kristi Martin;
- (2) E. L. Morris;
- (3) Barbara Tipton;
- (4) Sheila Rogers; and
- (5) Jean Smith.

(e) If any of the initial directors listed in Subsection (d) of this section fails to qualify for office, the remaining directors shall appoint a qualified person to fill the vacancy for the unexpired term. If at any time the number of qualified directors is less than three because of the failure or refusal of one or more directors to qualify or serve because of death or incapacitation or for any other reason, the Texas Water Commission shall appoint the necessary number of directors to fill all vacancies on the board.

(f) The initial directors shall serve until permanent directors are elected.

SECTION 8. CONFIRMATION AND DIRECTORS' ELECTION. (a) An election shall be called and held to confirm establishment of the district.

(b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

SECTION 9. ELECTION OF DIRECTORS. Beginning in the second year following the confirmation election, an election shall be held on the third Saturday

in May every two years to elect the appropriate number of permanent directors to the board as provided by the Water Code.

SECTION 10. NOTICE, ETC. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives, within the required time. All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 11. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 78 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 78 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 51 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 51, Relating to the salaries of the judges of the county courts at law in Smith County.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 51 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 51 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: 30, Nays 0.

Absent-excused: Sims.

**COMMITTEE SUBSTITUTE SENATE BILL 41
ON SECOND READING**

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 41, Relating to the creation of nonprofit corporations for the purpose of financing by and on behalf of taxing units their budgeted expenditure requirements pending tax and other revenue collections; authorizing the issuance of tax anticipation notes by taxing units and their sale to and purchase by such nonprofit corporations.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 41
ON THIRD READING**

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 41** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 75 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 75, Relating to certain nonprofit subscription programs for emergency medical services vehicle services.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **S.B. 75**, on page 1, by striking Subsection (a) of quoted Section 3.10A and substituting the following:

(a) A city, county, or hospital district, or a group of cities, counties, or hospital districts, or any combination of those entities, may create and operate a nonprofit subscription program to fund an emergency medical service for providing emergency medical services vehicle services within the jurisdiction of the entity or entities for which the program is created and operated. A group of cities, counties, or hospital districts, or any combination of those entities, may create and operate

a nonprofit subscription program under this section by contract, joint agreement, or any other type of legal mechanism as provided by The Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes) or any other law of this state authorizing local governmental entities to provide joint programs.

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 75 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE JOINT RESOLUTION 6 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 6, Proposing a constitutional amendment providing that certain justice precincts may contain more than one justice of the peace court.

The resolution was read second time and was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 6 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

HOUSE BILL 120 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 120, Relating to the creation, administration, powers, duties, operation, and financing of the Hamilton County Hospital District; granting the power of eminent domain; providing for the issuance of bonds and the levy of taxes.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 120 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

HOUSE BILL 67 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 67, Relating to the acquisition of certain property by the Orange County Navigation and Port District and the provision of certain projects and facilities on that property.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 67 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 67 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

HOUSE BILL 92 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 92, Relating to the jurisdiction of certain county civil courts at law.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 92 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 92 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

HOUSE BILL 54 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 54, Relating to the hours of labor of fire fighters in certain cities.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 54 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 54** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

HOUSE BILL 32 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 32, Relating to the creation of the On-site Wastewater Treatment Research Council and account and the imposition of certain fees.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 32 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 32** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE HOUSE CONCURRENT RESOLUTION 20 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

C.S.H.C.R. 20, Establishing the Joint Select Committee on the Judiciary.

The resolution was read second time.

Senator Glasgow offered the following amendment to the resolution:

Floor Amendment No. 1

Amend C.S.H.C.R. 20 by deleting the word "and" before the word "ethics" at page 1, line 16, by deleting the semicolon after the word "ethics" in the same line and replacing said semicolon with a comma, and by inserting after the word "ethics" in the same line the words "compensation and salary."

The amendment was read and was adopted viva voce vote.

Senator Glasgow offered the following amendment to the resolution:

Floor Amendment No. 2

Amend C.S.H.C.R. 20 by inserting before the semicolon at page 2, line 8, the words "except the power to issue subpoenas and other process."

The amendment was read and was adopted viva voce vote.

The resolution as amended was adopted viva voce vote.

HOUSE BILL 121 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 121, Relating to creation, administration, operation, annexation, public notice of financial information, and assumption of the debt of certain districts.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 121 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 121** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 57 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 57, Relating to the authority of a commissioners court of a county to engage in community and economic development projects.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 57 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 57** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 48 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 48, Relating to the offense of misuse of public information by a public servant.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 48 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 48** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sims.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 33 ON SECOND READING

Senator Jones moved to suspend the regular order of business and the printing rule to take up for consideration at this time:

C.S.S.B. 33, Relating to distribution of money received as a result of petroleum overcharge litigation; making appropriations.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Krier, Leedom, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Zaffirini.

Nays: Green, Johnson, Lyon, Parker, Washington, Whitmire.

Absent: Uribe.

Absent-excused: Sims.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 33** by striking all below the enacting clause and substituting the following:

SECTION 1. SHORT TITLE. This article may be cited as the Oil Overcharge Restitutionary Act.

SECTION 2. DEFINITIONS. In this Act:

(1) "Account" means the oil overcharge account established by Section 7 of this Act.

(2) "Applicable federal guidelines" means federal court judgments or orders, case settlements, laws, regulations, or other federal requirements or discretionary authority, whether imposed by the judicial, legislative, or executive branch, that govern or restrict the use of money received by the state as a result of petroleum overcharge litigation concerning overpricing of crude oil or refined petroleum products during the 1973-1981 period of mandatory federal price controls.

(3) "Competitive grant program" means a program through which the office of the governor finances projects under this Act that have been approved from a group of competing proposals submitted by public or private applicants.

(4) "Direct grant program" means a program through which the office of the governor finances projects under this Act that have been approved as components of a proposal recommended by the supervising agency of that program.

(5) "Energy efficiency division" means the energy efficiency division of the office of the governor.

(6) "Supervising agency" means the state agency, department, commission, or other entity designated by this Act or by the office of the governor to supervise, manage, or administer the implementation of a program financed under this Act.

SECTION 3. OIL OVERCHARGE ADMINISTRATION. (a) The power and discretion to approve projects under, finance, and oversee and monitor the administration of, the competitive and direct grant programs prescribed by this Act and to award other amounts appropriated from the oil overcharge account are assigned to the office of the governor.

(b) The office of the governor shall determine the supervising agency for each competitive grant program and for each direct grant program established by the office. The office of the governor may:

(1) establish direct grant programs and competitive grant programs in addition to those provided by this Act; and

(2) establish criteria for eligibility and evaluation of proposals submitted under direct grant programs or competitive grant programs, which criteria may apply to one or more specific programs or to all programs.

(c) The office of the governor shall establish programs and criteria and evaluate proposals in accordance with applicable federal guidelines. The office of the governor is responsible for the transmission to the appropriate federal entity of all information required under applicable federal guidelines regarding programs and proposals subject to this Act.

SECTION 4. STAFF; AGENCY AND PRIVATE ASSISTANCE. (a) The energy efficiency division shall provide staff to implement and administer this Act.

(b) In addition to the energy efficiency division, the office of the governor may enlist the assistance of any state agency, department, commission, or other entity, or any private entity, in the evaluation or review of proposals, the audit of program participants or supervising agencies, the performance of administrative duties under this Act, or the development of eligibility or evaluation criteria.

SECTION 5. TECHNICAL ADVISORY PANEL. A technical advisory panel consisting of a representative of the Texas Department of Community Affairs designated by the governor and one person each appointed by the lieutenant governor and the speaker of the house of representatives shall advise the office of the governor regarding any technical expertise sought by the office through contract and shall review all technical opinions and evaluations provided by a reviewing state agency, department, commission, or entity, or a reviewing private entity.

SECTION 6. REVIEW AND COMMENT COMMITTEE. A review and comment committee consisting of one person each appointed by the lieutenant

governor, the speaker of the house of representatives, and the attorney general shall review proposals submitted under direct and competitive grant programs. The office of the governor may not approve a project under a direct or competitive grant program until the project has been submitted as a proposal to the committee for its review and comment.

SECTION 7. OIL OVERCHARGE ACCOUNT. (a) The oil overcharge account is established as a special account in the general revenue fund. On the effective date of this Act, the comptroller of public accounts shall transfer to the credit of the account all unobligated and unexpended sums of money that have been received by the state as a result of petroleum overcharge litigation concerning overpricing of crude oil or refined petroleum products during the 1973-1981 period of mandatory federal price controls, together with interest accrued on the money from the various dates of receipt to the date of transfer. The comptroller also shall deposit to the credit of the account any amounts received on or after the effective date of this Act as a result of such petroleum overcharge litigation.

(b) Money in the account shall be appropriated by the legislature to the governor for use by the office of the governor in the implementation and operation of programs authorized by this Act.

(c) The comptroller of public accounts shall establish records of money in the account that are sufficient to identify the source of particular amounts, for the purpose of facilitating determinations of compliance with applicable federal guidelines for the use of money derived from particular sources.

(d) The state treasurer may invest money in the account not currently being used as provided by this Act under the authority of Subchapter C, Chapter 404, Government Code. All interest and other income received from investment of money in the account shall be deposited to the credit of the account and used for purposes consistent with applicable federal guidelines.

(e) The office of the governor shall determine the persons whose signatures are authorized to be affixed to vouchers submitted to the comptroller for approval of payments from the account. The office of the governor shall give the comptroller notice of each determination made under this subsection. The comptroller shall approve payments from the account in the manner provided for approval of payments from other amounts appropriated by the legislature.

SECTION 8. RESTRICTIONS AND RULEMAKING. (a) Restrictions on, or other criteria for, the use or receipt of money awarded under authority of this Act to supervising agencies, local recipients, or other persons, whether provided by this Act or under authority of this Act, apply only to the use or receipt of money awarded under authority of this Act and do not affect the use or receipt of money provided under the authority of other law.

(b) The supervising agency of a direct grant program financed under this Act may adopt rules for implementation of the program, including rules providing eligibility criteria, that are not inconsistent with criteria established by applicable federal guidelines, criteria prescribed by this Act, or criteria adopted by the office of the governor.

SECTION 9. EMERGENCY NUTRITION AND TEMPORARY EMERGENCY RELIEF PROGRAM. (a) The Texas Department of Human Services is the supervising agency for the direct grant program known as the emergency nutrition and temporary emergency relief program, established by Chapter 34, Human Resources Code. With direct grant money under this Act, the department, under the program, shall provide money for payment to vendors of energy utility services for the purpose of preventing the interruption or termination of energy utility service, or restoring that service, to low-income persons. The department shall allocate money provided under this Act for the program for distribution within counties on the basis of unemployment and poverty statistics for residents of individual counties.

(b) The department may distribute grant money under the program to local units of government or nonprofit organizations to provide the needed services, with county governments receiving priority. A local unit of government or nonprofit organization that receives a grant must match the grant with an equal amount of money from another source. Money received under this Act may not be used to provide any portion of local matching money under this subsection. Money from federal sources may not be used to provide any portion of local matching money under this subsection unless, after application by the local unit of government or nonprofit organization, the office of the governor specifically approves the use. Not more than 50 percent of the money used to provide local matching amounts under this subsection for grants made throughout the state within a fiscal year may be derived from federal sources.

(c) Ultimate beneficiaries of money distributed through the program under this Act must be low-income persons in need of emergency assistance. Beneficiaries under the program under this Act may not be limited to persons whose incomes are less than 75 percent of the income standards established by applicable federal poverty guidelines. The department shall give priority to assistance for persons who became recently unemployed and who do not qualify for other income assistance programs.

SECTION 10. ENERGY CRISIS INTERVENTION PROGRAM. (a) The Texas Department of Community Affairs is the supervising agency for the direct grant program known as the energy crisis intervention program. With direct grant money under this Act, the department, under the program, shall provide money for payment to vendors of utilities, goods, or services related to the procurement of energy for heating or cooling residences. Vouchers, in amounts not to exceed \$150 for one household, may be issued directly to consumers in cases of undue hardship.

(b) Ultimate beneficiaries of money distributed under the program under this Act must be persons who are in imminent danger of having their utility service terminated, who are experiencing other energy-related and supply shortage emergencies, or who meet applicable federal poverty income guidelines. The department shall give priority to assistance for persons who are elderly or handicapped.

SECTION 11. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM. (a) The Texas Department of Human Services is the supervising agency for the direct grant program known as the low-income home energy assistance program, established in accordance with the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. Section 8621 et seq.). With direct grant money under this Act, the department, under the program, shall make payments directly to eligible low-income households, or on behalf of such households to energy suppliers, to assist the recipients in meeting the costs of home energy.

(b) Ultimate beneficiaries of money distributed through the program under this Act must be households having incomes not exceeding the greater of 150 percent of the income level established by applicable federal poverty guidelines or 60 percent of the state's median income, or households with recipients of federal or state income subsidies, such as food stamps, supplemental security income, aid to families with dependent children, or income-based veterans' benefits.

SECTION 12. WEATHERIZATION ASSISTANCE PROGRAM. (a) The Texas Department of Community Affairs is the supervising agency for the direct grant program known as the weatherization assistance program, established in accordance with Part A of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. Section 6861 et seq.). With direct grant money under this Act, the department, under the program, shall make payments for the insulation of dwellings occupied by low-income persons through installation of weatherization materials, including attic insulation, caulking, weatherstripping, storm windows, and other

materials designed to increase efficiency of furnaces. The maximum expenditure for each dwelling may not exceed \$1,600 for materials and related program costs. Weatherization assistance projects may be performed by community action agencies or private contractors.

(b) Ultimate beneficiaries of money distributed through the program under this Act must be low-income persons, with priority given to assistance for persons who are elderly or handicapped.

SECTION 13. NATIVE AMERICAN RESTITUTIONARY PROGRAM. The Texas Indian Commission is the supervising agency for a direct grant program to be known as the Native American restitutionary program. Under the program, the commission shall distribute money granted under this Act in accordance with the applicable federal guidelines for the purpose of providing energy-related assistance to Native Americans of this state.

SECTION 14. RESERVOIR CONSERVATION PROGRAM. The Railroad Commission of Texas is the supervising agency for a direct grant program to be known as the reservoir conservation program. With direct grant money under this Act, the commission, under the program, shall isolate productive hydrocarbon-yielding zones by plugging or other remediation of inactive wells in fields with enhanced recovery potential. The reservoir conservation program must be designed to prevent the waste of energy and conserve it for future use in accordance with applicable federal guidelines.

SECTION 15. INSTITUTIONAL CONSERVATION PROGRAM. The energy efficiency division is the supervising agency for a direct grant program to be known as the institutional conservation program and established in accordance with Part G of the Energy Policy and Conservation Act (42 U.S.C. Section 6371 et seq.). Under the program, the division shall distribute direct grant money under this Act to provide 50 percent of the costs of projects designed to help public and nonprofit schools, colleges, hospitals, and public care facilities conduct technical assistance studies to identify potential building energy conservation opportunities and to install cost-effective energy conservation measures, in accordance with applicable federal guidelines.

SECTION 16. HIGH ENERGY PHYSICS PROGRAM. The Texas National Research Laboratory Commission is the supervising agency for a direct grant program to be known as the high energy physics program. Under the program, the commission shall use direct grant money provided under this Act to support the federal government's interest in investigating the physical basis of matter and the energy physics of subatomic particles. Grant money will support federal and state interests in developing a research infrastructure that encourages the development of fundamental new knowledge of particle energies.

SECTION 17. ENERGY AUDIT PROGRAM. The energy efficiency division is the supervising agency for a direct grant program to be known as the energy audit program. Under this program, the division shall distribute direct grant money provided under this Act to projects designed to determine levels and types of insulation and lighting, measure amounts of conditioned space, and identify low-cost energy savings in state buildings.

SECTION 18. ENERGY EXTENSION SERVICE. (a) The energy efficiency division is the supervising agency for a direct grant program to be known as the energy extension service and established in accordance with the National Energy Extension Service Act (42 U.S.C. Section 7001 et seq.). With direct grant money provided under this Act, the division shall finance projects designed, in accordance with applicable federal guidelines, to assist small energy consumers in the residential, agricultural, and commercial sectors in learning to conserve energy and use renewable resource options. Projects under this program may include consumer information and technical assistance projects.

(b) Grant recipients under this program may be required to match the amounts of the grants.

SECTION 19. STATE ENERGY CONSERVATION PROGRAM. (a) The energy efficiency division is the supervising agency for a direct grant program to be known as the state energy conservation program and established in accordance with Part D of the Energy Policy and Conservation Act (42 U.S.C. Section 6321 et seq.). With direct grant money provided under this Act, the division under the program shall distribute money for projects that save measurable quantities of energy, primarily implemented by institutions or private sector energy consumers. Proposals submitted under this program must meet applicable federal guidelines, promote the conservation of energy, and improve the efficient use of energy through activities that result in quantifiable energy savings, including energy audits of buildings, technical assistance in reducing energy bills, and training of building operators and fiscal officers on various energy issues such as utility bill analysis and energy management techniques.

(b) Under the program, the division shall finance the operations of the Energy Resource Center for Texas Schools, in accordance with Section 88A, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes). A public school may not receive a grant or the benefits of a grant under this Act under the program until the school's energy conservation plan has been approved by the office of the governor.

SECTION 20. OFFICE OF PUBLIC UTILITY COUNSEL. (a) The office of the governor shall award direct grants to the Office of Public Utility Counsel to conduct regulatory intervention activities to promote the adoption and expansion by energy utilities of consumer-oriented energy conservation programs.

(b) In conducting regulatory intervention activities with grant money provided under this Act, the Office of Public Utility Counsel may contract for technical and legal experts to testify and help prepare and analyze materials for intervention and advice in various cases that are relevant to energy costs for low-income, other residential, or small commercial utility ratepayers. Intervention must be designed to promote conservation and energy efficiency, provide that energy options are pursued that have the least cost, and assist in the reduction of energy costs.

SECTION 21. PUBLIC-PRIVATE PARTNERSHIP PROGRAM. (a) A competitive grant program to be known as the public-private partnership program is established. Recipients of grant money under the program may include community foundations affiliated with the Communities Foundation, Inc., of Texas. The office of the governor may approve and finance one or more energy-related demonstration projects under this program as well as more broadly aimed energy-related projects. Recipients of grant money under the program must provide in the aggregate from private sources for projects financed under this program amounts at least equal to the total amount of grants awarded by the office of the governor under the program during a particular fiscal period.

(b) Ultimate beneficiaries of money awarded through the public-private partnership program may include low-income or moderate-income consumers.

SECTION 22. REVOLVING LOAN PROGRAM. (a) A competitive grant program to be known as the revolving loan program is established. Under this program, the office of the governor may approve and finance demonstration projects that provide loans to eligible applicants for energy-saving capital improvements.

(b) The supervising agency shall distribute, through the revolving loan program, competitive grant money provided under this Act to finance energy conservation projects approved by the office of the governor for the benefit of the following entities or groups of persons:

- (1) state agencies and institutions of higher education;
- (2) public schools;
- (3) political subdivisions of the state;
- (4) transportation providers;
- (5) agricultural producers;
- (6) small businesses; and
- (7) persons of low or moderate income.

(c) Loans made under this section shall be on terms determined by the office of the governor at a low rate of interest the office determines is sufficient to recover the costs of administering the loan program.

(d) Any person who receives a loan under this section shall repay the principal of and interest on the loan from the value of energy savings that accrues as the result of the energy conservation measure implemented with the borrowed money. If a state agency or institution is the recipient of a loan under this section, the agency or institution shall repay the loan from the amount budgeted for the energy costs of the agency or institution. The legislature may not reduce the amount budgeted for energy costs to reflect the value of energy savings that accrue as the result of the energy conservation measure implemented with the borrowed funds until the loan is repaid.

SECTION 23. AGRICULTURAL ENERGY CONSERVATION PROGRAM. A competitive grant program to be known as the agricultural energy conservation program is established. With competitive grant money under this program, the supervising agency shall distribute money for energy projects designed to benefit agriculture in accordance with applicable federal guidelines, including projects concerning agricultural demonstration projects, energy audits of agricultural and food processing facilities, and agricultural information and technical assistance. The office of the governor may finance a selected proposal without requiring any matching amounts, or the office may require that the recipient match any grant received under the program.

SECTION 24. ALTERNATIVE ENERGY PROGRAM. A competitive grant program to be known as the alternative energy program is established. With competitive grant money provided under this Act, the supervising agency shall distribute money for demonstration projects developing alternative energy resources, which may include photovoltaics, biomass, wind, and solar applications and other appropriate applications of alternative energy. The office of the governor may require grant recipients under this program to match the grants in ratios determined by the office.

SECTION 25. ENERGY RESEARCH AND DEVELOPMENT PROGRAM. The office of the governor may finance projects under a competitive grant program to be known as the energy research and development program that supplement or initiate research by public or private institutions on energy-related issues. The office of the governor may require recipients to match grants awarded under this program in ratios determined by the office.

SECTION 26. MUNICIPAL ENERGY PROGRAM. (a) A competitive grant program to be known as the municipal energy program is established. Under the program, the supervising agency shall distribute competitive grant money provided under this Act for energy-saving projects that benefit municipalities in this state.

(b) Proposals under this section may include energy audits of municipal facilities, traffic light synchronization, fleet management, and fuel-efficient transit routing. The office of the governor may require grant recipients under this program to match the grants in ratios determined by the office.

SECTION 27. TRANSPORTATION ENERGY PROGRAM. (a) A competitive grant program to be known as the transportation energy program is

established. Under this program, the supervising agency shall distribute competitive grant money provided under this Act for projects concerning mass transit and other transportation services. The projects may assist service providers in providing services such as traffic light synchronization, fleet management, energy-efficient computerized transit routing, car-care clinics, vanpooling or ridesharing efforts, public education related to mass transit, driver energy conservation awareness training, and transportation services for the elderly or handicapped and may include the study and development of high-speed rail facilities in the state by the Texas Turnpike Authority as authorized by Section 28, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes).

(b) The office of the governor may require grant recipients under this program to match the grants in ratios determined by the office.

SECTION 28. MASS TRANSIT ENERGY PROGRAM. (a) A competitive grant program to be known as the mass transit energy program is established. Under this program, the supervising agency shall distribute competitive grant money provided under this Act for projects concerning mass transit that are approved by the office of the governor in accordance with this section.

(b) The supervising agency shall allocate competitive grant money among the categories of eligible applicants according to the formula provided by this section. For purposes of this section, an "eligible applicant" is a municipality, a metropolitan or regional authority, or a local governmental body or other entity that is a recipient of federal public transportation money through the State Department of Highways and Public Transportation or other agency administering federal public transportation money.

(c) The supervising agency shall allocate competitive grant money to the following three categories:

(1) one-third to eligible applicants created under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes); Chapter 683, Acts of the 66th Legislature, 1979 (Article 1118y, Vernon's Texas Civil Statutes); or Article 1118z, Revised Statutes;

(2) one-third to eligible applicants that are in urbanized areas with a population in excess of 50,000, according to the most recent federal census, and that are not created under the laws specified in Subdivision (1) of this subsection; and

(3) one-third to eligible applicants in rural areas of the state and in urban areas with populations of 50,000 or less, according to the most recent federal census.

(d) The supervising agency shall distribute money allocated as provided by this section only to eligible applicants whose projects are approved by the office of the governor.

(e) To the greatest extent practicable, eligible applicants who receive competitive grant money under this Act shall use the money to obtain other grants.

SECTION 29. PEER REVIEW HIGHER EDUCATION RESEARCH PROGRAM. (a) A competitive grant program to be known as the peer review higher education research program is established. Under this program, the supervising agency shall distribute competitive grant money provided under this Act for projects conducted by institutions of higher education and providing advanced research in energy-related subjects.

(b) In addition to the other review processes provided by this Act, proposals submitted under this program must also be submitted for review for merit to the advisory committee appointed under Section 142.003, Education Code.

(c) In this section, "institution of higher education" has the meaning assigned by Section 61.003(8), Education Code.

SECTION 30. SHRIMP FISHERY ASSISTANCE PROGRAM. A competitive grant program to be known as the shrimp fishery assistance program is established. Under the program, the supervising agency shall use competitive

grant money provided under this Act to assist the Texas shrimp industry in its conversion to the use of turtle-excluding devices in its trawls used to harvest shrimp.

SECTION 31. **ENHANCED OIL AND GAS RECOVERY PROGRAM.** A competitive grant program to be known as the enhanced oil and gas recovery program is established. Under this program, the supervising agency shall distribute competitive grant money provided under this Act for the initiation or supplementation of research programs designed to recover additional oil and gas from reservoirs in this state, with special emphasis on recovery from state and other public lands.

SECTION 32. **EXPIRATION DATE.** This article expires September 1, 1989.

Article 2

SECTION 1. Title 4, Government Code, is amended by adding Chapter 447 to read as follows:

CHAPTER 447. ENERGY EFFICIENCY DIVISION OF THE OFFICE OF THE GOVERNOR

Sec. 447.001. **ESTABLISHMENT OF DIVISION.** The energy efficiency division is established as a division of the office of the governor.

Sec. 447.002. **INFORMATION; RULES; PROGRAMS.** The energy efficiency division shall develop and provide energy conservation information for the state and shall make rules relating to the adoption and implementation of energy conservation programs. The division's adopted energy conservation rules shall include provisions relating to the retrofitting of energy-saving devices in existing state structures and to the renovation of such structures. To the extent that the office of the governor receives money appropriated for energy efficiency programs, the office of the governor, through the energy efficiency division, shall implement programs that the division identifies as encouraging energy conservation by state government. Unless money is available for the implementation of such a program, a state agency is not required to spend money for an energy conservation program under this section.

Sec. 447.003. **LIAISON TO FEDERAL GOVERNMENT.** The energy efficiency division shall serve as the state liaison to the federal government for the implementation and administration of federal programs relating to state agency energy conservation. In that capacity, the division shall administer any state programs established under:

- (1) Part D, Title III, Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);
- (2) Part G, Title III, Energy Policy and Conservation Act (42 U.S.C. 6371 et seq.);
- (3) the National Energy Extension Service Act (42 U.S.C. 7001 et seq.); or
- (4) the Energy Research and Development Administration appropriation authorization (42 U.S.C. 5907a et seq.).

Sec. 447.004. **DESIGN STANDARDS.** (a) Through the energy efficiency division, the office of the governor shall adopt and publish energy conservation design standards that all new state buildings, including buildings of state-supported institutions of higher education, are required to meet. The office of the governor shall review and update the standards biennially.

(b) The standards must include performance and procedural standards for the maximum energy conservation allowed by the latest and most effective technology that is consistent with the requirements of public health and safety and with economic requirements.

(c) The standards must be adopted in terms of energy consumption allotments and must take into consideration the various classes of building uses.

Performance standards must allow for design flexibility. Procedural standards must be directed toward specific design and building practices that produce good thermal resistance and low air leakage and toward requiring practices in the design of mechanical and electrical systems that conserve energy. The procedural standards must concern, as applicable:

- (1) insulation;
- (2) appropriate lighting;
- (3) ventilation;
- (4) the potential use of new systems for saving energy in ventilation, climate control, and other areas; and
- (5) any other item that the office of the governor considers appropriate.

Sec. 447.005. ENERGY EFFICIENCY PROJECTS. Subject to applicable federal laws or guidelines, the office of the governor, through the energy efficiency division, may implement energy efficiency projects at state agencies or may assist those agencies in implementing the projects through energy efficiency programs financed through federal matching grants or loans.

Sec. 447.006. OBTAINING MAINTENANCE DATA. To obtain current information on maintenance data, the office of the governor shall obtain semiannually from each state agency information relating to the cost of heating, cooling, and maintaining buildings owned by the state.

Sec. 447.007. MODEL CODES. (a) After consultation with the Texas Department of Community Affairs, the office of the governor shall prepare model energy conservation building codes.

(b) The office of the governor shall provide the codes to municipalities for use in enacting or amending municipal ordinances.

Sec. 447.008. ADDITIONAL ENERGY MANAGEMENT SERVICES. Through the energy efficiency division, the office of the governor may provide additional energy management services, including:

- (1) training of designated state employees in energy management and energy-accounting techniques;
- (2) technical assistance regarding energy efficient capital improvements, including cogeneration investments;
- (3) technical assistance to the state auditor and to state agencies regarding monitoring of utility bills to detect billing errors;
- (4) technical assistance to state agencies regarding third-party financing of energy efficient capital improvement projects; and
- (5) assistance to state agencies relating to the purchase of natural gas, water, or electricity.

Sec. 447.009. ENERGY EFFICIENCY AUDITS. (a) The energy efficiency division shall conduct audits of state-owned buildings used by state agencies. The audits shall be designed to assist state agencies in reducing energy consumption and costs through improved energy efficiency.

(b) Based on the audit performed under Subsection (a) of this section, the office of the governor may recommend changes to improve energy efficiency.

Sec. 447.010. ENERGY-SAVING DEVICES OR MEASURES. A state agency that reduces its energy expenses through the use of energy-saving devices or measures recommended by the energy efficiency division during an audit conducted under Section 447.009 may use any funds saved by the agency from appropriated utility expense funds for the installment purchase of the energy-saving devices or measures. For purposes of this section, "energy-saving device or measure" means a device or measure that directly reduces the energy consumption of a lighting, heating, ventilating, or air conditioning system or of other equipment that uses electricity, water, natural gas, fuel oil, or any other energy source.

SECTION 2. Section 2.09(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by S.B. No. 115, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

(a) The commission is divided into divisions as provided by this section. One associate deputy director shall direct the travel division~~[-the energy efficiency division-]~~ and other divisions as directed by the executive director. The other associate deputy director shall direct the remaining divisions as directed by the executive director.

SECTION 3. Section 5.28, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by S.B. No. 115, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

Sec. 5.28. ENERGY CONSERVATION STANDARDS BY OTHER ENTITIES. (a) The boards of regents and boards or governing bodies of state agencies, commissions, and institutions exempted by Section 5.13 of this article shall adopt and publish energy conservation design standards as provided in Section 447.004, Government Code, ~~[13.03 of this article]~~ for all new buildings under their authority. The standards shall be consistent with those adopted by the commission for other state buildings and be prepared in cooperation and consultation with the energy efficiency division of the office of the governor ~~[commission]~~.

(b) The energy efficiency division of the office of the governor ~~[commission]~~ shall assist the boards and governing bodies of state agencies, commissions, and institutions subject to the provisions of Subsection (a) of this section with the preparation of energy conservation standards by providing technical assistance and advice.

SECTION 4. Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by S.B. No. 115, Acts of the 70th Legislature, Regular Session, 1987, is repealed.

SECTION 5. Notwithstanding any requirement of Section 9(b), S.B. No. 115, Acts of the 70th Legislature, Regular Session, 1987, to the contrary, all data, records, other personal property, and necessary personnel belonging or assigned to the energy efficiency division of the Public Utility Commission of Texas or the State Purchasing and General Services Commission, as appropriate, are transferred to the office of the governor on the effective date of this Act.

Article 3

SECTION 1. This Act takes effect September 1, 1987.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read.

Senator Jones offered the following amendment to the Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to C.S.S.B. 33, Sec. 3, line 12, by adding "except as provided under Section 6" after "office of the governor"

Amend Sec. 6, line 21, by deleting "AND COMMENT"

line 22, by deleting "and comment"

line 24, by deleting "attorney general" and by adding "the governor"

page 3, delete the last sentence and insert in lieu thereof "No project may be funded by the Governor's Office unless it is approved by the Review Committee."

The amendment was read.

Senator Anderson offered the following amendment to the Floor Amendment No. 2:

Floor Amendment No. 3

Amend Floor Amendment No. 2 to C.S.S.B. 33, Section 6, line 24, strike the word "Governor" and insert the words "comptroller of public accounts".

The amendment was read and was adopted viva voce vote.

Question recurring on the adoption of Floor Amendment No. 2 as amended, the amendment was adopted viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1, as amended, the amendment was adopted viva voce vote.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment as amended viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 33
ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Uribe, Zaffirini.

Nays: Green, Washington, Whitmire.

Absent-excused: Sims.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Green, Washington and Whitmire asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE RULE 103 SUSPENDED

On motion of Senator Parmer and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider the following bills at the next called meeting tomorrow:

S.B. 93

S.B. 94

S.B. 95

SENATE RULE 103 SUSPENDED

On motion of Senator Edwards and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider H.J.R. 5 upon the noon recess tomorrow.

was suspended in order that the Committee on Criminal Justice might consider the following bills upon noon recess tomorrow:

S.B. 96

S.B. 99

SENATE RULE 103 SUSPENDED

On motion of Senator Caperton and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Jurisprudence might consider **S.C.R. 36** at 9:30 a.m. tomorrow.

MEMORIAL RESOLUTION

S.R. 99 - By Parker: Memorial resolution for Vonnie Gilbert Burkhardt.

CONGRATULATORY RESOLUTIONS

H.C.R. 50 - (Jones): Honoring Eva Jo Lewis Kasinger.

H.C.R. 66 - (Parker): Honoring Sam Clonts, retiring Executive Director of the Texas Association of Counties.

H.C.R. 69 - (Krier): Declaring September 1988 as National Guard Month in Texas.

S.R. 91 - By Barrientos: Commending the Southside Community Center of San Marcos.

S.R. 92 - By Zaffirini: Extending congratulations to St. Peter's Memorial School.

S.R. 93 - By Farabee: Extending birthday greetings to Mrs. Trinidad R. Martinez.

S.R. 94 - By Zaffirini: Extending congratulations to John H. Keck.

S.R. 95 - By Parker: Commending Harrison T. Davis.

S.R. 96 - By Parker: Extending birthday greetings to Mrs. Lilly Dale Cochran Bender on her 100th birthday.

S.R. 97 - By Parker: Honoring Miss Bertha Robinson of Beaumont.

S.R. 98 - By Parker: Honoring Mrs. Elia Davis of Beaumont.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 5:09 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(July 15, 1987)

S.C.R. 4

Signed by Governor
(July 10, 1987)

H.C.R. 9

H.C.R. 12

H.C.R. 24

H.C.R. 26

H.C.R. 36

H.C.R. 44

H.C.R. 45

(July 14, 1987)

H.C.R. 7
H.C.R. 43
H.C.R. 52
H.C.R. 57
H.C.R. 62

TENTH DAY
(Friday, July 17, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, McFarland, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Leedom, Lyon, Montford, Sims.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Almighty God, we come to Thee knowing we have different views and needs, but in unison we give thanks for the night's rest and the opportunities this day will bring.

Make us faithful in the discharge of all our duties and enable us to spend the day so that the lives of others will be helped and enriched by our friendship.

May the work of the Senate be blessed and favored this day.

In Your name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Leedom was granted leave of absence for today on account of important business on motion of Senator Henderson.

Senator Montford was granted leave of absence for today on account of important business on motion of Senator Henderson.

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Blake.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 17